

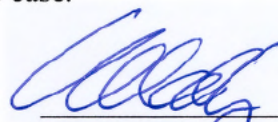
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

YUSEF BRAHEEM DESHIELDS	:	: CIVIL ACTION
	:	
v.	:	: NO. 21-845
	:	
BARRY SMITH, <i>et al.</i>	:	

ORDER

AND NOW, this 30th day of September 2021, upon careful and independent consideration of the Petition for a writ of habeas corpus (ECF Doc. No. 1), the Response to the Petition (ECF Doc. No. 6), Judge Reid's September 7, 2021 Report and Recommendation (ECF Doc. No. 8), with no timely opposition, after our careful and independent review of Judge Reid's extensive Report and Recommendation (ECF Doc. No. 8) finding Petitioner's claims are unexhausted and procedurally defaulted and there is no basis for an evidentiary hearing as there is no disputed issues of fact or other basis for a hearing under 28 U.S.C. § 2254(e)(2) or under our exercise of discretion, it is **ORDERED**:

1. We **APPROVE** and **ADOPT** Judge Reid's September 7, 2021 Report and Recommendation (ECF Doc. No. 8);
2. We **DENY** and **DISMISS** the Petition for a writ of habeas corpus (ECF Doc. No. 1) with prejudice;
3. We find no basis for a certificate of appealability;¹ and,
4. The Clerk of Court shall **close** this case.



KEARNEY, J.

¹ See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).